

BEFORE THE HUMAN RIGHTS COMMISSION
OF THE STATE OF MONTANA

SHEILA ENGLISH,

Charging Party,

-v-

ROCKY MOUNTAIN COLLEGE,
CATHERINE GEMMETTI, STEVEN
BENTS, KELLI LALA, JANET ALBERSON,
SCOTT MURRAY, DAN ALBRECHT,
MONTANA PROFESSIONAL
ASSISTANCE PROGRAM, and MICHAEL
RAMIREZ,

Respondents.

Case Numbers: 0073012049 to
0073012056

ORDER

Sheila English (English) filed a complaint with the Department of Labor and Industry (Department) alleging that Rocky Mountain College, the Montana Professional Assistance Program, and various individuals that work for those organizations discriminated against her based on her disabilities when she was not allowed to receive a physician's assistant degree. Following an informal investigation, the Department determined that a preponderance of the evidence did not support English's allegations of unlawful discrimination. The Department issued a Notice of Dismissal. English filed an objection with the Montana Human Rights Commission (Commission). The Commission considered the matter on March 22, 2007.

The Commission reviews a decision of the Department to dismiss a complaint using an abuse of discretion standard. *Mont. Code Ann. § 49-2-509(4)(2005); Admin. R. Mont. 24.9.1714(3)*. After careful consideration, the Commission concludes the determination of the Department to dismiss the complaint is not an abuse of discretion.

A party may ask a district court to review the decision of the Commission to affirm the dismissal of a complaint. *Admin. R. Mont. 24.9.1714(7)*; See also *Mont. Code Ann. § 2-4-702*; *§ 49-2-509(4)*.

Alternatively, if a charging party chooses to commence a civil action, charging party has 90 days after the receipt of this order to petition a district court, in the district where the alleged violation occurred, for the appropriate relief. *Mont. Code Ann. § 49-2-509(5) (2005)*; *Admin. R. Mont. 24.9.1714(5)*. If a charging party fails to commence a civil action within 90 days, the claim is time barred. *Id.*

IT IS HEREBY ORDERED, that Sheila English's objection is **overruled**. The Commission affirms the determination of the Human Rights Bureau to dismiss the complaint against Rocky Mountain College, the Montana Professional Assistance Program, Catherine Gemmetti, Steven Bents, Kelli Lala, Janet Alberson, Scott Murray, Dan Albrecht, and Michael Ramirez.

DATED this ____ day of April, 2007.

Chair Ryan C. Rusche
Human Rights Commission

CERTIFICATE OF SERVICE

The undersigned secretary for the Human Rights Commission certifies that a true and correct copy of the foregoing ORDER was mailed to the following by U.S. Mail, postage prepaid, on this ____ day of April, 2007.

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Montana Human Rights Bureau